

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**IN RE: GOOGLE DIGITAL ADVERTISING  
ANTITRUST LITIGATION**

**No. 1:21-MD-3010 (PKC)**

*This Motion Relates To:*

**ORGANIC PANACEAS, LLC, et al.,**

**No. 5:21-cv-02629**

***Plaintiffs,***

**-against-**

**GOOGLE LLC and ALPHABET INC.,**

***Defendants.***

**DEFENDANTS GOOGLE LLC AND ALPHABET INC.'S  
NOTICE OF MOTION TO DISMISS  
ORGANIC PANACEAS' CLASS ACTION COMPLAINT**

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Alphabet Inc.*

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendants Google LLC and Alphabet Inc.'s Motion to Dismiss Organic Panaceas' Class Action Complaint in the above-captioned matter, and the Declaration of Courtney Shadd and exhibits thereto, which are being submitted contemporaneously with this Notice of Motion, Defendants Google LLC and Alphabet Inc. will move this Court, before the Honorable P. Kevin Castel, United States District Judge for the Southern District of New York, located at 500 Pearl Street, New York, NY 10007, at a date and time to be set by the Court, for an Order dismissing with prejudice the Class Action Complaint, No. 5:21-cv-02629, ECF No. 1, on the ground that Organic Panaceas is bound by a valid and enforceable arbitration agreement with Google. *See* Fed. R. Civ. P. 12(b)(3) and 12(b)(6). In the alternative, Google moves for an order compelling Organic Panaceas to arbitrate its claim as it agreed. Google also moves to dismiss Organic Panaceas' federal antitrust claim on the ground that Organic Panaceas has failed to state a claim upon which relief can be granted. *See* Fed. R. Civ. P. 12(b)(6); *Ashcroft v. Iqbal*, 556 U.S. 662 (2009); *Bell Atl. Corp. v. Twombly*, 550 U.S. 544 (2007).

Dated: February 3, 2023

Respectfully Submitted,

/s/ Justina K. Sessions

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